

JS 44C/SDNY
REV. 12/2005

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

PLAINTIFFS
Frank BieleDEFENDANTS/COUNTER-CLAIMANTS
AT&T Corp., AT&T Management Pension Plan, AT&T Pension Plan, AT&T Employees' Benefit CommitteeATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)
Rosen, Preminger & Bloom LLP
708 Third Ave., Suite 1600
New York, NY 10017ATTORNEYS (IF KNOWN) (973) 966-6300
Day Pitney LLP
P.O. Box 1945
Morristown, NJ 07962-1945

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE) Plaintiff asserts claims arising under the Employee Retirement Income Security Act of 1974, as amended ("ERISA") Defendants/Counter-Claimants assert claims arising under federal common law and relating to ERISA-governed employee benefit plans.

Has this or a similar case been previously filed in SDNY at any time? No ☐ Yes? ☒ Judge Previously Assigned Pending before Judge Marrero

If yes, was this case Vol. ☐ Invol. ☐ Dismissed. No ☐ Yes ☐ If yes, give date _____ & Case No. _____

(PLACE AN [x] IN ONE BOX ONLY)

NATURE OF SUIT

ACTIONS UNDER STATUTES

| TORTS | | FORFEITURE/PENALTY | BANKRUPTCY | OTHER STATUTES |
|--|--|--|---|--|
| CONTRACT | PERSONAL INJURY | PERSONAL INJURY | <input type="checkbox"/> 422 APPEAL 28 USC 158 | <input type="checkbox"/> 400 STATE REAPPORTIONMENT |
| <input type="checkbox"/> 110 INSURANCE | <input type="checkbox"/> 310 AIRPLANE | <input type="checkbox"/> 610 AGRICULTURE | <input type="checkbox"/> 423 WITHDRAWAL 28 USC 157 | <input type="checkbox"/> 410 ANTI-TRUST |
| <input type="checkbox"/> 120 MARINE | <input type="checkbox"/> 315 AIRPLANE PRODUCT LIABILITY | <input type="checkbox"/> 620 FOOD & DRUG | | <input type="checkbox"/> 430 BANKS & BANKING |
| <input type="checkbox"/> 130 MILLER ACT | <input type="checkbox"/> 320 ASSAULT, LIBEL & SLANDER | <input type="checkbox"/> 625 DRUG RELATED SEIZURE OF PROPERTY | | <input type="checkbox"/> 450 COMMERCE/ICC RATES/ETC |
| <input type="checkbox"/> 140 NEGOTIABLE INSTRUMENT | <input type="checkbox"/> 330 FEDERAL EMPLOYERS' LIABILITY | <input type="checkbox"/> 630 LIQUOR LAWS | PROPERTY RIGHTS | <input type="checkbox"/> 460 DEPORTATION |
| <input type="checkbox"/> 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT | <input type="checkbox"/> 340 MARINE LIABILITY | <input type="checkbox"/> 640 RR & TRUCK | <input type="checkbox"/> 820 COPYRIGHTS | <input type="checkbox"/> 470 RACKETEER INFLUENCED & CORRUPT ORGANIZATION ACT (RICO) |
| <input type="checkbox"/> 151 MEDICARE ACT | <input type="checkbox"/> 345 MARINE PRODUCT LIABILITY | <input type="checkbox"/> 650 AIRLINE REGS | <input type="checkbox"/> 830 PATENT | <input type="checkbox"/> 480 CONSUMER CREDIT |
| <input type="checkbox"/> 152 RECOVERY OF DEFAULTED STUDENT LOANS (EXCL VETERANS) | <input type="checkbox"/> 350 MOTOR VEHICLE | <input type="checkbox"/> 660 OCCUPATIONAL SAFETY/HEALTH | <input type="checkbox"/> 840 TRADEMARK | <input type="checkbox"/> 490 CABLE/SATELLITE TV |
| <input type="checkbox"/> 153 RECOVERY OF OVERPAYMENT OF VETERANS BENEFITS | <input type="checkbox"/> 355 MOTOR VEHICLE PRODUCT LIABILITY | <input type="checkbox"/> 690 OTHER | SOCIAL SECURITY | <input type="checkbox"/> 510 SELECTIVE SERVICE |
| <input type="checkbox"/> 160 STOCKHOLDERS SUITS | <input type="checkbox"/> 360 OTHER PERSONAL INJURY | LABOR | <input type="checkbox"/> 861 MIA (1395FF) | <input type="checkbox"/> 550 SECURITIES/COMMODITIES/EXCHANGE |
| <input type="checkbox"/> 190 OTHER CONTRACT | | <input type="checkbox"/> 710 FAIR LABOR STANDARDS ACT | <input type="checkbox"/> 862 BLACK LUNG (923) | <input type="checkbox"/> 875 CUSTOMER CHALLENGE |
| <input type="checkbox"/> 195 CONTRACT PRODUCT LIABILITY | | <input type="checkbox"/> 720 LABOR/MGMT RELATIONS | <input type="checkbox"/> 863 DIWC (405(g)) | <input type="checkbox"/> 891 AGRICULTURE ACTS |
| <input type="checkbox"/> 196 FRANCHISE | | <input type="checkbox"/> 730 LABOR/MGMT REPORTING & DISCLOSURE ACT | <input type="checkbox"/> 864 SSID TITLE XVI | <input type="checkbox"/> 892 ECONOMIC STABILIZATION ACT |
| | | <input type="checkbox"/> 740 RAILWAY LABOR ACT | <input type="checkbox"/> 865 RSI (405(g)) | <input type="checkbox"/> 893 ENVIRONMENTAL MATTERS |
| | | <input type="checkbox"/> 790 OTHER LABOR LITIGATION | FEDERAL TAX SUITS | <input type="checkbox"/> 894 ENERGY |
| | | <input checked="" type="checkbox"/> 791 EMPL RET INC SECURITY ACT | <input type="checkbox"/> 870 TAXES | <input type="checkbox"/> 895 ALLOCATION OF FREEDOM OF INFORMATION ACT |
| | | | <input type="checkbox"/> 871 IRS-THIRD PARTY | <input type="checkbox"/> 900 APPEAL OF FEE DETERMINATION UNDER EQUAL ACCESS TO JUSTICE |
| | | | 20 USC 7509 | <input type="checkbox"/> 950 CONSTITUTIONALITY OF STATE STATUTES |
| | | | | <input type="checkbox"/> 990 OTHER STATUTORY ACTIONS |

Check if demanded in complaint:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.? IF SO, STATE:

DEMAND \$ _____ OTHER _____ JUDGE Marrero DOCKET NUMBER 07-588

Check YES only if demanded in complaint
JURY DEMAND: ☐ YES ☒ NO

NOTE: Please submit at the time of filing an explanation of why cases are deemed related.

(SEE REVERSE)

(PLACE AN *x* IN ONE BOX ONLY)

ORIGIN

- ☒ 1 Original Proceeding
 ☐ 2a. Removed from State Court
 ☐ 3 Remanded from Appellate Court
 ☐ 4 Reinstated or Reopened
 ☐ 5 Transferred from (Specify District)
 ☐ 6 Multidistrict Litigation
 ☐ 7 Appeal to District Judge from Magistrate Judge Judgment
- ☐ 2b. Removed from State Court
AND at least one party is a pro se litigant

(PLACE AN *x* IN ONE BOX ONLY)

BASIS OF JURISDICTION

**IF DIVERSITY, INDICATE
CITIZENSHIP BELOW.
(28 USC 1332, 1441)**

- ☐ 1 U.S. PLAINTIFF
 ☐ 2 U.S. DEFENDANT
 ☒ 3 FEDERAL QUESTION (U.S. NOT A PARTY)
 ☐ 4 DIVERSITY

CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

| | PTF | DEF | | PTF | DEF | | PTF | DEF |
|--------------------------|-----|-----|---|-----|-----|---|-----|-----|
| CITIZEN OF THIS STATE | [] | [] | CITIZEN OR SUBJECT OF A FOREIGN COUNTRY | [] | [] | INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE | [] | [] |
| CITIZEN OF ANOTHER STATE | [] | [] | INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE | [] | [] | FOREIGN NATION | [] | [] |

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

**3038 Crompond Road
Yorktown Heights, NY 10598**

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

**One AT&T Way
Bedminster, NJ 07921**

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

Check one: THIS ACTION SHOULD BE ASSIGNED TO: ☐ WHITE PLAINS ☒ FOLEY SQUARE
(DO NOT check either box if this a PRISONER PETITION.)

DATE SIGNATURE OF ATTORNEY OF RECORD

3/26/07 

RECEIPT #

**Kristine J.
Feher**

ADMITTED TO PRACTICE IN THIS DISTRICT

[] NO
[x] YES (DATE ADMITTED Mo. 1 Yr. 2000)
Attorney Bar Code #

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge _____ is so Designated.

J Michael McMahon, Clerk of Court by _____ Deputy Clerk, DATED _____

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)